

MUR # 6317

Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

RE: Complaint against Tim Stewart and Unknown "John Doe" Illegal  
Donors and Perpetrators

To Whom It May Concern:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, the Friends of Mike Lee, the principal authorized campaign committee of Mike Lee, candidate for the U.S. Senate from Utah files this Complaint against Tim Stewart, an individual and Unknown "John Doe" Illegal Donors as described below (collectively, "the Respondents").

This complaint is filed against the Respondents for violation of the Federal Election Campaign Act of 1971, as amended ("the Act" or "FECA") and the regulations of the Federal Election Commission ("the Commission" or "FEC"), specifically for perpetrating an illegal scheme to raise and spend money specifically to influence the outcome of the Utah Republican State convention. Respondents knowingly violated the Act by producing, mailing and otherwise circulating to convention delegates the materials attached hereto as Exhibit A. ("Illegal Anonymous Mailers").

According to an article in the *Salt Lake Tribune* on June 15, 2010 (attached hereto as Exhibit B), the following is the story of the Illegal Anonymous Mailers, referenced in the article as the 'Temple Mailers':

"The 'temple mailer,' showing Mike Lee's photo above an LDS temple and Sen. Bob Bennett's above the U.S. Capitol, hit an unknown number of GOP delegates' mailboxes in the day or two before the Utah Republican Convention. The back of the ad used LDS lingo, telling voters the Constitution was 'hanging by a thread' and urging them to 'release Bennett with a vote of thanks.' A post-convention poll showed a third of those who saw it believed it had come from the Lee campaign. Moreover, those who saw it found the use of religious imagery and phrases to be highly offensive.

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Tim Stewart, who spent seven years as a legislative aide for Bennett and now is a lobbyist and founder of the group Saddle PAC, coordinated the mailer with a pair of

OFFICE OF GENERAL  
COUNSEL

2010 JUN 22 AM 10:58

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FEDERAL ELECTION  
COMMISSION

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D.C.-area consulting firms, according to e-mails and invoices provided to *The Salt Lake Tribune*.

Stewart said late Monday that he wasn't the mastermind, but instead was a go-between for a group of Utahns whom he would not identify."

Respondent Tim Stewart has publicly admitted his role in the Illegal Anonymous Mailers scheme and has further admitted that there are others personally and directly involved in the scheme but has refused to identify them.

Stewart has direct information as to the identity of others involved in the illegal scheme. Upon information and belief, Stewart received funds payable to Stewart personally from donors who believed that their contributions were to be used to support one or more Senate candidates other than Mike Lee. Further, upon information and belief, Stewart may have used those funds to pay for the Illegal Anonymous Mailers to influence the outcome of the Utah GOP Convention, in violation of multiple provisions of federal law. Only an investigation conducted by the Federal Election Commission can force the identity of all parties involved in the Illegal Anonymous Mailers scheme and to punish the wrongdoers for their violation of federal law and their intentional and deliberate disruption of the Utah GOP convention.

Upon information and belief, Stewart was involved directly or indirectly with others in an effort to beguile voters of Utah, smear Mike Lee and defeat his candidacy at the Utah GOP convention. The damage inflicted on Mike Lee and his campaign from the Illegal Anonymous Mailer was substantial and only a full investigation by the Federal Election Commission can identify the true source(s) of the funding and the development and execution of the scheme.

### **Violations of Federal Law**

The Illegal Anonymous Mailers and the scheme to produce and disseminate them violated federal law in the following ways:

- **Failure to Properly Identify the Source of the 'Temple Mailers'**. The 'Temple Mailers' constitute a public communication pursuant to 11 C.F.R. § 100.26 and a mass mailing pursuant to 11 C.F.R. § 100.27. The Temple Mailers state that "Paid for by 'Utah Defenders of Constitutional Integrity'". However, no permanent web or street address was included in the disclaimer on the mailer, because no such organization exists. The failure to identify the true sponsor of the public communication produced and circulated to influence a federal election is a violation of 11 C.F.R. § 110.11.

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- Failure to Register as a Political Committee with the Federal Election Commission or as a Section 527 organization or as any other type of entity under the Internal Revenue Code. Any group of individuals that receives or spends more than \$1,000 to influence a federal election must register as a political committee with the FEC. 11 C.F.R. §180.5. Upon information and belief, Stewart solicited and received checks payable directly to himself (Stewart) and used such funds to pay for the Temple Mailers. None of the funds were reported by Stewart to the FEC either as receipts or disbursements as required by federal law.
- Failure to Report to the FEC the Expenditure and the Source of the Funding to Pay for the Temple Mailers. A nominating convention such as the Utah GOP state convention is defined by federal law as a 'federal election'. See 11 C.F.R. 102.2(e) Federal law requires that an independent expenditure within 20 days of a federal election must be duly reported within 24 hours to the Federal Election Commission, including reporting the following information: sponsor of the communication, address of the sponsor, individual responsible for reporting the communication, donors of \$200 or more to the communication, vendors paid to produce and/or disseminate the communication and the total amounts contributed and spent for the communication. 11 C.F.R. §§ 104.4(c), 104.5(g)(2), 104.3(b)(3)(vii) and 109.10.
- The Illegal Anonymous Mailers scheme was carried out in willful disregard of federal law. Anonymous contributions in federal elections are illegal. 11 C.F.R. §110.4. Further, it is apparent that the illegal scheme was deliberate and willful and designed to evade the law. Tim Stewart has publicly bragged about the illegal scheme, telling the *Salt Lake Tribune*:

"I sincerely wish that I could take credit for what may be the most brilliant and possibly the biggest single game-changing political play in Utah politics in the last 20 years. But I can't. I am not that diabolical nor creative," he (Stewart) said. "Instead, I am just a two-bit, wannabe political consultant, contacted by some Utah folks wanting to exercise their First Amendment rights. They came up with a great idea and we found a vendor and that's about the extent of it."

Federal law provides that knowing and willful violations of the FECA are subject to criminal penalties. 2 U.S.C. §437g(d)(1)(A). The perpetrators of the Illegal Anonymous Mailers scheme should be identified and prosecuted to the full extent of the law.

### Conclusion

Upon information and belief, and based upon the facts, Respondents, each of them, have violated the Federal Election Campaign Act of 1971, as amended. The Federal Election Commission is urged to seek immediate enforcement of the law to assure that documents and evidence of the Illegal Anonymous Mailers scheme are not destroyed by the perpetrators and that those involved in this despicable activity are prosecuted to the full extent of the law.

Please contact Dan Hauser at telephone 801.691.3022 if further information is required. Thank you for your prompt attention to this serious matter.

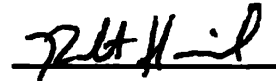
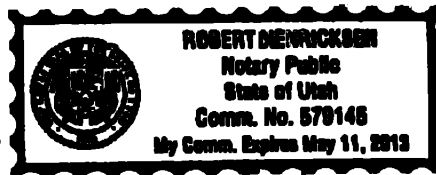
Respectfully Submitted,



Dan Hauser  
Friends of Mike Lee, Inc  
38 E Red Pine Dr  
Alpine, Utah 84004

Before me this 21 day of June, 2010, appeared  
Dan Hauser and under penalty of perjury did swear and  
affirm that the above and foregoing facts are true and correct to the best of his  
knowledge and belief.

SEAL



Notary Public

My Commission Expires: MAY 11, 2013

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## FEDERAL ELECTION COMMISSION

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### SADDLEPAC

122 C ST NW SUITE 500  
WASHINGTON, DC 20001

<b>Treasurer Name:</b>	TIMOTHY S STEWART
<b>Committee Designation:</b>	(N/A)
<b>Committee Type:</b>	N (NON-PARTY NON-QUALIFIED)

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12044312615

FEC  
FORM 3REPORT OF RECEIPTS  
AND DISBURSEMENTS  
For An Authorized CommitteeSECRETARY OF THE SENATE  
10 JUN 10 AM 10:35

Name for Use

1. NAME OF COMMITTEE (in full)		USE PRE-PRINTED LABEL OR TYPE OR PRINT		Example: (Type, type over the lines)	
Representative for Senate _____ _____ _____					
APPROX (number and street)		P.O. Box 2778			
<input type="checkbox"/> Check if different from previously reported, (PNC)		City, State, Zip Salt Lake City UT 84107			
2. PRE REGISTRATION NUMBER		CITY A		STATE A	
00000000		3. IS THIS REPORT <input checked="" type="checkbox"/> NEW OR <input type="checkbox"/> AMENDMENT		ZIP CODE A STATE V DISTRICT UT	
4. TYPE OF REPORT (Choose One)		5. 10-Day PRE-Election Report for this:			
(a) Quarterly Report: <input type="checkbox"/> April 15 Quarterly Report (20) <input type="checkbox"/> July 15 Quarterly Report (20) <input type="checkbox"/> October 15 Quarterly Report (20) <input type="checkbox"/> January 31 Year-End Report (10)  <input type="checkbox"/> Termination Report (TRF)		<input checked="" type="checkbox"/> Primary (10P) <input type="checkbox"/> General (10G) <input type="checkbox"/> Recall (10R) <input type="checkbox"/> Convention (10C) <input type="checkbox"/> Special (10S) Election on 08 22 2010 In the State of UT			
		(b) 30-Day POST-Election Report for this: <input type="checkbox"/> General (30G) <input type="checkbox"/> Recall (30R) <input type="checkbox"/> Special (30S) Election on 08 22 2010 In the State of UT			
6. Covering Period		04 10 2010 through 08 02 2010			
I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.					
Type or Print Name of Treasurer: Mike McCarty					
Signature of Treasurer: <i>Mike McCarty</i> Date: 06 07 2010					
NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.					
Office Use Only PREPARED		FEC FORM 3 (Revised 05/09)			

10020402739

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: 10250 00/00

(check only one)

☐ 11a ☐ 11b ☒ 11c ☐ 11d  
☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16

Any information omitted from each Receipt and Statement may not be valid or used by any person for the purpose of affecting contributions or for otherwise purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (a.k.a.)

Independent for Senate

A.

Full Name (Last, First, Middle Initial)

John Doe

Mailing Address 123 C St, NW Ste 200

City

Washington

State

DC

Zip Code

20001

FEC ID number of contributing  
federal political committee.

C

00000000

Name of Employer

Company

Receipt For:

☒ Primary

☐ General

☐ Other (specify)

Receipt Cycle to Date V

1000.00

Date of Receipt

08/08/2010

Transaction ID: 0011000000

Amount of Each Receipt This Period

1000.00

Receipt

B.

Full Name (Last, First, Middle Initial)

John Doe

Mailing Address 101 Main Street Parkway

City

Atlanta

State

GA

Zip Code

30301

FEC ID number of contributing  
federal political committee.

C

00000000

Name of Employer

Company

Receipt For:

☒ Primary

☐ General

☐ Other (specify)

Receipt Cycle to Date V

1000.00

Date of Receipt

08/08/2010

Transaction ID: 0011000000

Amount of Each Receipt This Period

1000.00

Corporate contribution to  
be included

C.

Full Name (Last, First, Middle Initial)

John Doe

Mailing Address 57 W 107th St STE 102

City

ST. LOUIS

State

MO

Zip Code

63102

FEC ID number of contributing  
federal political committee.

C

00000000

Name of Employer

Company

Receipt For:

☒ Primary

☐ General

☐ Other (specify)

Receipt Cycle to Date V

500.00

Date of Receipt

08/08/2010

Transaction ID: 0011000000

Amount of Each Receipt This Period

500.00

Receipt

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

1500.00

1500.00

FEC Schedule A (Form 3) (Revised 06/2009)

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10020402774

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**

Use separate subpage(s)  
for each entry of the  
Detailed Summary Page

FORM LINE NUMBER: **PAGE 20/21**  
(check only one)  
☒ 11a ☐ 11b ☐ 11c ☐ 11d ☐ 11e ☐ 11f ☐ 11g

Any information copied from each Receipt and Statement may not be used or used by any person for the purpose of soliciting contributions or for campaign purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)  
Siddiqui for Senate

<b>A.</b>		Full Name (Last, First, Middle Initial) Sherry Street		Date of Receipt 08 / 24 / 2010	
Mailing Address 6428 Shady Lane		City Folsom		State Zip Code CA 95630	
FEC ID number of contributing individual political committee		C		Transaction ID: 0411415107	
Name of Employer American Capital Corp		Occupation Partner		Amount of Each Receipt (US Dollars) 200.00	
Receipt For: 2010 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Receipt Cycle-to-Date V		Receipt 200.00	
<b>B.</b>		Full Name (Last, First, Middle Initial) Suzanne Street		Date of Receipt 08 / 02 / 2010	
Mailing Address 14825 Grandview Street		City Shawnee Oaks		State Zip Code CA 94020	
FEC ID number of contributing individual political committee		C		Transaction ID: 0411415107	
Name of Employer		Occupation		Amount of Each Receipt (US Dollars) 200.00	
Receipt For: 2010 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Receipt Cycle-to-Date V		Receipt 200.00	
<b>C.</b>		Full Name (Last, First, Middle Initial) Charles Taylor		Date of Receipt 08 / 27 / 2010	
Mailing Address 2200 West Signal Circle		City Olathe City		State Zip Code UT 84020	
FEC ID number of contributing individual political committee		C		Transaction ID: 0411415107	
Name of Employer American Technology, Inc.		Occupation Vice President		Amount of Each Receipt (US Dollars) 200.00	
Receipt For: 2010 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Receipt Cycle-to-Date V		Receipt 200.00	
SUBTOTAL of Receipts This Page (optional)				200.00	
TOTAL This Period (last page this line number only)					





## **FEDERAL ELECTION COMMISSION**

**Presented by the Federal Election Commission**

**Individual Contributions Arranged By Type, Giver, Then Recipient**

### **Contributions to Political Committees**

**STEWART, TIMOTHY S  
FALLS CHURCH, VA 22042  
AMERICAN CAPITOL GROUP/PARTNER**

**BENNETT, ROBERT F  
VIA BENNETT ELECTION COMMITTEE INC**

<b>04/06/2009</b>	<b>1000.00</b>	<b>29020431145</b>
<b>10/13/2009</b>	<b>500.00</b>	<b>10020073737</b>

**From the FEC website @ <http://query.nicusa.com/cgi-bin/qind/>**

# The Salt Lake Tribune

## Lee seeks to sniff out the origin of 'temple mailer'

By Robert Gehris

The Salt Lake Tribune

June 16, 2010 01:21PM

Mike Lee called on Tim Bridgewater's campaign and Sen. Bob Bennett to demand that a Washington lobbyist reveal whom he worked with to put together a controversial "temple mailer."

The advertisement, sent to Republican delegates on the eve of the May 8 GOP Convention, showed a picture of Mike Lee above the LDS temple and a picture of Stewart above the U.S. Capitol. Bennett in the image asked "Which candidate really has Utah values?"

The ad, which purportedly was sent from an unregistered group called "Utah Defenders of Constitutional Values," was ordered by Tim Stewart, a former Bennett staffer and current D.C. lobbyist, but Stewart said he was working with Utahns whom he would not identify.

Bridgewater said the campaign is "happy to use whatever influence we have to help get to the bottom of it," said spokeswoman Tiffany Gunnerson.

"We have nothing to hide, we had nothing to do with it and we hate it as much as anyone," she said.

At the same time, she said Lee should call on the Common Sense Issues PAC to stop running radio ads that popped up Tuesday. Lee had previously disavowed the Common Sense PAC's tactics.

On Tuesday, Sen. Jim DeMint, R-S.C., who has endorsed Lee, sent an e-mail to supporters asking them to give money to Lee to help fend off dirty attacks. In doing so, he suggested a connection between Stewart and Bridgewater, because Stewart had given \$1,500 to the Bridgewater campaign, individually and through his political action committee, Saddle PAC.



This ad, sent to delegates just before the May 8 Republican Convention, infused religion into the Senate race by linking Sen. Bob Bennett to Washington values and candidate Mike Lee to LDS values. A number of delegates were offended and blamed Lee for the mailer. Tim Stewart, who was involved in the ad, is now apologizing for it.

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# The Salt Lake Tribune

## Lobbyist says no campaigns behind 'temple mailer'

By Robert Gehris

The Salt Lake Tribune

June 17, 2010 03:25PM

A lobbyist who helped orchestrate a mailer designed to look like an attack by Senate candidate Mike Lee on incumbent Sen. Bob Bennett's faith said Wednesday that none of the campaigns were involved in the advertisement.

"It must be stated unequivocally that neither the Lee, Bennett nor [Tim] Bridgewater campaigns had any knowledge of, or participation in this piece at any time," said Tim Stewart, who helped arrange the mailer, in a statement. "It is simply wrong for anyone to accuse any of the three candidates or their campaigns of being connected in any way to this action."

Stewart still would not identify the Utahns he says asked him to help arrange the mailer.

Stewart hired a Washington consulting company to publish the ad, which arrived in Republican delegates' mailboxes on the eve of the May 8 Utah GOP Convention. Purportedly from an unregistered group calling itself Utah Defenders of Constitutional Integrity, the ad had a photo of the LDS temple with a picture of Lee above it, contrasted with an image of the U.S. Capitol beneath Bennett's picture. The caption read "Which candidate really has Utah values?"

A third of delegates who saw the ad thought it came from the Lee campaign, and they were offended that religion would be used in such a manner, according to a post-convention poll by Brigham Young University political scientists.

Stewart told The Tribune on Monday that he wished he could take credit for the "most brilliant and possibly the biggest single game-changing political play in Utah politics in the last 20 years," but he was merely helping a group of Utahns express their opinions.

On Wednesday, he said his initial reaction was "glib."

"The ploy was neither brilliant nor clever. Underhanded tactics, involvement by outside groups and whisper campaigns did not justify my actions and are certainly not an appropriate excuse to have joined in the fray," he said. "I take full responsibility for my specific role and sincerely apologize to the candidates, their campaigns and to my fellow Utahns who were offended as well."

Stewart said he was motivated to act after seeing Bennett, Stewart's former boss, being shredded by outside interest groups. Stewart had spent several years as a legislative aide for the senator.

"After witnessing and becoming appalled by vitriolic political and personal attacks on a man I hold in the highest esteem and someone who has poured his heart and soul into public service, I exercised my right to speak politically and participated in a satirical mailer that only further contributed to the toxic atmosphere," Stewart said. "I sincerely regret that."

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Lee's campaign said it plans to file a complaint with the Federal Election Commission over the mailer.

A fundraising e-mail from Sen. Jim DeMint, R-S.C., supporting Lee suggested that Bridgewater was involved, as did a blog posting from Erick Erickson on the political website [RealClimate.com](http://RealClimate.com).

The Bridgewater campaign has repeatedly said it had nothing to do with the mailing.

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# The Salt Lake Tribune

## Ex-Bennett staffer linked to temple mailer

By Robert GEhrke and Thomas Burr

The Salt Lake Tribune

June 15, 2010 08:03PM

A Washington lobbyist who had worked for Sen. Bob Bennett and supported his re-election bid apparently played a key role in a mailer designed to look like opponent Mike Lee was challenging the senator's faith.

Tim Stewart, who spent seven years as a legislative aide for Bennett and now is a lobbyist and founder of the group Saddle PAC, coordinated the mailer with a pair of D.C.-area consulting firms, according to e-mails and interviews provided to The Salt Lake Tribune.

Stewart said late Monday that he wasn't the mastermind, but instead was a go-between for a group of Utahns whom he would not identify.

"I sincerely wish that I could take credit for what may be the most brilliant and possibly the biggest single game-changing political play in Utah politics in the last 20 years. But I can't. I am not that diabolical nor creative," he said. "Instead, I am just a run-bit, wannabe political consultant, motivated by some Utah folks wanting to exercise their First Amendment rights. They came up with a great idea and we found a vendor and that's about the extent of it."

The ad, claiming to be sent from an unregistered group calling itself Utah Defenders of Constitutional Integrity, pictured Lee above an LDS temple and Bennett above the U.S. Capitol. Below, it asked, "Which candidate really has Utah values?"

Stewart wrote the body of the direct-mail piece in an April 28 e-mail to Michael Copperthite, of Capital Campaigns Inc.

"It would be good to have as a watermark the Constitution," Stewart wrote. "It needs to hit mailboxes not before next Wednesday and Thursday."

In a follow-up e-mail, Stewart corrected a pair of typos before the ad went out prior to the Utah Republican Convention on May 8.

Capital Campaigns Inc. hired Precision Strategies, an Alexandria, Va.,-based consulting firm that mainly has done work for Democratic candidates, dealing directly with Jordan Karp, according to an invoice obtained by The Tribune.

Capital Campaigns paid Precision Strategies \$4,734.25 for the job.



Anti-Bob Bennett mailer that appeared before the GOP state convention. Bennett, the incumbent, lost his party's nomination.

The Tribune previously had traced the bulk-mail permit number to a Cleveland-based company, Hotcards.com, which said it had been hired by Karp and Precision Strategies to send the ad.

Greg Hopkins, Bennett's campaign manager, said the campaign had nothing to do with the temple mailer. "We didn't know anything about any of the independent stuff that was going on," he said.

After Bennett was eliminated at the convention, Stewart contributed \$500 to Tim Bridgewater's campaign and Saddle PAC gave \$1,000. The Bridgewater campaign said it would return the funds Stewart gave to the campaign.

"I'm shocked and appalled that someone supporting my opponent's campaign would resort to such thuggish, Chicago-style tactics," Lee said. "These tactics were clearly intended to hurt my campaign and help my opponent's."

Lee said he was not suggesting that the Bridgewater campaign knew about the mailer. Lee said his campaign is exploring whether it would file a complaint with the Federal Election Commission.

"We thought the temple mailer was completely disgusting," Bridgewater spokeswoman Tiffany Gunnerson said, "and even if it benefited us miraculously, it's not the right thing to do and we don't want to be any part of that."

She said it is wrong for Lee to be trying to tie the Bridgewater campaign in any way to the ad. "I guess it just reflects the tone their campaign is setting right now," she said.

Karp declined to comment Monday on the e-mails. Goppertite did not return a message.

If the objective of the mailer was to make it look like Lee supporters were using the religion card to alarm Bennett, it may have worked.

A post-convention poll by Brigham Young University's Center for the Study of Elections and Democracy showed that about a third of those who saw the mailer initially believed it had been sent by the Lee campaign and found it highly offensive.

Going into the convention, polls showed Lee as the front-runner, but he finished second behind Bridgewater.

"This demonstrated that when ordinary people speak out, they do have an impact, even when the process may be closed to all but a few," Stewart said. "Who can argue with that?"

However, those behind the mailer could face an investigation and potential fines by the FEC for not disclosing an expense made to influence a federal election and for failing to file as a political action committee.

Paul Ryan, an attorney with the Washington-based Campaign Legal Center, said any group independently spending more than \$500 on advertising for or against a federal candidate must file that expenditure with the FEC. Moreover, a group formed for the purpose of advocating for or against a candidate must file as a political committee if it raises or spends more than \$1,000.

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